REMARKS

Review and reconsideration on the merits are respectfully requested. Claims 2 and 3 are pending and have been amended as shown herein. Claim 4 was cancelled in the prior Amendment.

In initially, Applicants note the Examiner's reference to an RCE. However, this case was refiled in the form of a Continued Prosecution Application (CPA).

Applicants appreciate the withdrawal of the rejection of claims 2-4 over the references cited in the prior Office Action. The rejections based on newly cited references are discussed below.

In paragraph 5, claims 2 and 3 stand rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Miyahara et al (newly cited). The Examiner has provided a JPO abstract translation and machine translation of Miyahara et al.

At page 3 of the Office Action, the Examiner argues that Miyahara et al disclose a sheet which comprises a support comprising a polymer film laminated on one or both surfaces of a non-woven fabric, and a pressure-sensitive adhesive layer formed on one surface of the polymer film opposed to the polymer film surface adhered to the non-woven fabric. The Examiner argues that according to the reference, the non-woven fabric has a basis weight of 5 to 100 g/m^2 and that the polymer film comprises a thermoplastic polymer.

This rejection is respectfully traversed. From a structural perspective, Miyahara discloses an adhesive tape including support and a pressure-sensitive adhesive layer. However, its disclosed utility is for "cauterization section repair" (translation), which is different from the

field of endeavor of the present invention - protecting paint films of automobiles. To emphasize this distinction, Applicants have converted claims 2 and 3 into method claims, so that independent claim 3 now clearly calls for a method for protecting paint films of automobiles, comprising providing a protective sheet as defined therein, and then applying the protective sheet to a paint film of an automobile. Accordingly, even if one were to accept the Examiner's position regarding the structure of the adhesive tape, Miyahara does not teach or suggest the method steps as presently claimed. Accordingly, the anticipation rejection cannot be maintained with respect to claims 2 and 3 as amended. In this regard, it is no longer the situation where the claim language "for protecting paint films of automobiles" is an "intended use" limitation and not further limiting insofar as the structure of the product is concerned.

In view of the foregoing, reconsideration and withdrawal of the rejection is respectfully requested.

In paragraph 6 at page 4, claim 2 stands rejected under 35 U.S.C. § 102(e), as allegedly being anticipated by Seth (newly cited).

In paragraph 7 at page 4, claim 3 stands rejected under 35 U.S.C. § 102(e), as allegedly anticipated by or, alternatively, under 35 U.S.C. § 103(a) as obvious over Seth.

These rejections are respectfully traversed. Seth discloses a pressure-sensitive adhesive tape assembly, as generally depicted in Figure 1. However, as with Miyahara, even if the Examiner's arguments are accepted as to structure, Seth fails to disclose or suggest a method for protecting paint films of automobiles, comprising the particular process steps recited in

Applicant's claim 2. Accordingly, the anticipation rejection of claims 2-3 based on Seth is respectfully requested to be withdrawn.

With respect to each of Miyahara and Seth, should the Examiner consider alternative § 103 rejections to be subsumed within the anticipation rejections of claim 2, or should the Examiner be considering making a § 103 rejection of claim 2 in a further Office Action, Applicants respectfully submit that claim 2 is not rendered obvious by either Miyahara or Seth. Therefore, the subject matter of claim 3, which was rejected under § 103 in paragraph 7 of the Office Action, is patentable over Seth for at least the same reasons.

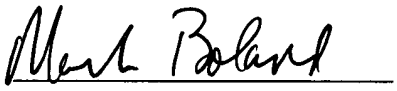
As noted above, Miyahara discloses an adhesive tape for cauterization section repair of a surface of a metal, whereas Seth's adhesive tape appears to be used as a fastening tape. Neither reference discusses protecting paint films of automobiles. Neither reference seeks to solve the particular problems attributed to conventional paint-protective films, as are generally described in the Background section of the present application. In this regard, Miyahara has as its main object the repair of a corroded metal surface (Abstract). It appears that the tape is to be applied permanently, as a patch or the like. In contrast, the protective sheet of the invention is designed to, and solves problems associated with peeling conventional protective sheets off of automobile paints. Moreover, Seth's objective is to obtain a fastening tape which can be wound into a roll, without the need for high levels of interfiber bonding or overcoat layers (col. 1, lines 60-64). As with Miyahara, Seth does not relate to protective sheets for the problems which the present invention addresses regarding automobile paint films, nor does it suggest the solution defined in Applicants' claim 2.

In sum, Applicants submit that each cited reference is in non-analogous arts vis-a-vis the present invention. Moreover, even if either could be applied, Applicants submit that neither document teaches or suggests the claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

A petition for a one-month extension, and appropriate check for the extension fee, are submitted herewith. The USPTO is directed and authorized to charge any additional fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 2 and 3 are amended as follows:

2. (four times amended) A [sheet] method for protecting paint films of automobiles, which comprises

providing a protective sheet comprising a support comprising a polymer film laminated on one or both surfaces of a non-woven fabric, and a pressure-sensitive adhesive layer formed on one surface of said polymer film opposed to the polymer film surface adhered to the non-woven fabric, wherein said non-woven fabric has a basis weight of 5 to 100 g/m^2 and said polymer film comprises a thermoplastic polymer, and

applying said protective sheet to a paint film of an automobile.

3. (three times amended) The [sheet] method for protecting paint films of automobiles as claimed in claim 2, wherein said polymer film has a thickness of 5 to 40 μm.